

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 ROBERT M. BENSON,

No. CIV S-01-1623-MCE-CMK-P

12 Petitioner,

13 vs.

ORDER

14 CHERYL PLILER, et al.,

15 Respondents.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's motion for
19 an extension of time (Doc. 44), filed on October 11, 2006.

20 On August 30, 2006, the court issued findings and recommendations and provided
21 for objections to be filed within ten days of the date of service thereof. Petitioner now seeks a
22 second extension of that deadline, this time to November 9, 2006.¹ Good cause appearing
23 therefor, the request will be granted. Petitioner is reminded that failure to file objections within
24 _____

25 ¹ Plaintiff first sought an extension on September 11, 2006. On September 19,
26 2006, the court issued an order granting the extension. That order, however, appears not to have
been properly served on petitioner and was re-served on October 4, 2006.


1 the specified time may waive the right to appeal any order adopting the findings and
2 recommendations. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 This shall be the last extension of time to file objections.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Petitioner's motion for an extension of time (Doc. 44) is granted; and
6 2. On or before November 9, 2006, any party may file written objections
7 with the court, such document to be captioned "Objections to Magistrate Judge's Findings and
8 Recommendations."

9
10 DATED: October 13, 2006.

11
12 
13 **CRAIG M. KELLISON**
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26